

BRENTWOOD BOROUGH COUNCIL

LICENSING OF HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE DRIVERS

POLICY STATEMENT REGARDING THE RELEVANCE OF CONVICTIONS

1. The fact that a person has a criminal record does not necessarily mean that he or she is unfit to hold a Combined Hackney Carriage & Private Hire Vehicle Driver's Licence. A balanced judgement concerning an applicant's fitness and propriety will be made, taking into account only those offences which are considered relevant to the applicant's suitability.

2. In deciding the relevance of convictions, offences committed many years in the past will have less relevance. Similarly, a series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. The importance of rehabilitation will be weighed against the need to protect the public.

3. To ensure consistent and fair treatment as to whether a criminal or motoring conviction renders an applicant unsuitable, the following guidelines will be applied:

(a) Each case will be decided on its own merits.

(b) An applicant with a current conviction for crime need not be permanently barred from obtaining a licence but should expect to remain free from conviction for three to five years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration must be the protection of the public.

(c) The following examples afford a general guide on the action to be taken in respect of convictions.

(i) Violence

As hackney carriage and private hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three years free of such convictions should be shown before an application is entertained and, even then, a strict warning should be administered.

(ii) Dishonesty

Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. For these reasons, a serious view should be taken of any conviction involving dishonesty. In general, a period of three to five years free of conviction should be required before entertaining an application.

(iii) Indecency Offences

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences should be refused until they can show a substantial period (at least three to five years) free of such offences. More than one conviction of this kind should preclude consideration for at least five years. In either case, if a licence is granted, a strict warning as to future conduct should be issued.

(iv) Drugs

An applicant with a conviction for a drug-related offence should be required to show a period of at least three years free of convictions before an application is entertained or five years after detoxification treatment if he/she was an addict.

(v) Drunkenness

With a Motor Vehicle

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least three years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant has an alcohol dependency, a special medical examination should be arranged before the application is entertained. If the applicant is found to have an alcohol dependency, a period of at least five years should elapse after successful completion of a course of rehabilitation treatment before a further licence application is considered.

Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

(vi) Major Traffic Offence

An isolated conviction for reckless driving or driving without due care and attention, etc, should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of one to three years free from convictions has elapsed.

(vii) Minor Traffic Offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding, etc, should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence, then a hackney carriage or private hire vehicle driver's licence may be granted after its restoration but a warning should be issued as to future conduct.

With regard to the accruing of nine points by drivers who already hold such a licence from the Council, bearing in mind the number of miles they drive, it is expected that they might be more likely than the average motorist to get convictions for minor speeding offences. A formal written warning will normally be issued by the Head of Environmental Health & Public Protection Services,

provided that the total of nine penalty points was reached in increments of no more than three and in periods longer than two years.

(d) Where the applicant does not meet the criteria set out in the Council's Combined Hackney Carriage & Private Hire Vehicle Driver's Licence Pre-Licensing Conditions, applications will be considered by the Licensing/Appeals Committee and the Committee will have regard to the set criteria.